

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:05CR59
)
Plaintiff,)
)
v.) ORDER
)
ERIC U. MCPHERSON,)
)
Defendant.)

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 28.
Having considered the matter,

IT IS ORDERED that:

1. A Rule 35 hearing is scheduled before the undersigned on **August 2, 2006, at 1:00 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

3. The Marshal is directed not to return the defendant to the district; and the defendant is held to have waived his right to be present.

4. Counsel for the defendant is reappointed to represent the defendant for purposes of the Rule 35(b) motion.

DATED this 11th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge